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Santa Barbara |
Joseph E. Holland |
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09:36AM 23-Dec-2009 | Page 1 of 9

RECORDED BY:

CEC REAL ESTATE HOLDING, INC.

AND WHEN RECORDED, MAIL TO:

Matthew Chircop
Hazardous Material Specialist
Santa Barbara County Fire Department
Fire Prevention Division
195 West Highway 246
Buellton, CA 93427

9
copy

RECEIVED
DEC 28 2009

SOIL CONTAMINATION NOTICE

LET IT BE KNOWN:

That CEC REAL ESTATE HOLDING, INC. is owner of the real property in the County of Santa Barbara, State of California, described as:

Legal Description of Property
(is attached as Exhibit B)

This property is known to contain soil contamination in excess of Santa Barbara County clean up levels. The contamination and monitoring program which has occurred is described in Exhibit A and the site plan attached.

Notice of these conditions shall remain with the land until verification of remediation is approved and signed off by Santa Barbara County Fire Department, Fire Prevention Division.

These conditions do not prevent the sale of the property, however, restrictions may be placed on the use of the property and the construction of buildings on the property.

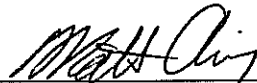
In witness whereof, this notice has been executed by the owner of the property named above or their duly authorized representatives this December 21, 2009

CEC REAL ESTATE HOLDING, INC.

BY: 

Michael J. Graham, President

This notice has been reviewed by the County of Santa Barbara Fire Department, Fire Prevention Division, State of California, this 12/23/09
Date

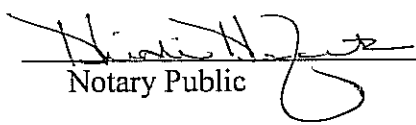

Matthew Chircop - Hazardous Material Specialist

State of Illinois)

County of Cook)

On December 21, 2009 before me, Heidi Heifetz, personally appeared Michael J. Graham, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted executed the instrument.

WITNESS my hand and official seal.

Signature 

Notary Public

Seal

per Government Code section 1189



*pls see
love all*

State of California)
County of Santa Barbara)

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

On December 23, 2009 before me, Rose M. Pueschel, Notary Public,
(here insert name and title of the officer)

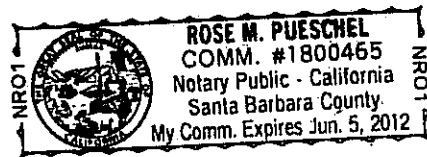
personally appeared Matthew Chircop

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she they executed the same in his her their authorized capacity(ies), and that by his her their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the
State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Rose M. Pueschel



(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document
titled/for the purpose of _____

containing _____ pages, and dated _____

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
☐ Attorney-in-Fact
☐ Corporate Officer(s) _____ Title(s) _____

- ☐ Guardian/Conservator
☐ Partner - Limited/General
☐ Trustee(s)
☐ Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

☐ Additional Signer(s) ☒ Signer(s) Thumbprint(s)

☐

6 pages / 2190 Alston Rd
Santa Barbara
Soil Contamination
notice

x



EXHIBIT A
Environmental Deed Notification

2190 Alston Road
Santa Barbara, CA

November, 2009

1.0 PROPERTY DESCRIPTION

The Property is located at 2190 Alston Road, Santa Barbara, CA with APN # 015-174-019. There is one structure on the Property, a residence built in the 1920s (hereinafter, Building). This Building has been used as a private residence and photography school. The basement of the Building has been used as a photographic laboratory at times since the 1940s.

2.0 NATURE OF CONTAMINATION

The contaminants of concern (COC) at the Property are lead, chromium, silver, and polynuclear aromatic hydrocarbons (PNAs). These chemicals were used, or could have been used, in photographic laboratory processes that were conducted in the basement of the building between 1945 and July 1, 2008.

The COCs are locally present in low concentrations in soil and fill that underlie parts of the Building. This contamination is limited at depth by shallow bedrock, which occurs several feet below the base of the slab of the Building. The contamination is laterally limited by bedrock, which occurs at higher elevations outside the slab than under the slab. It is estimated that less than 50 cubic yards of contaminated soil exist beneath the building.

3.0 INVESTIGATION

Previous environmental investigations identified contamination in shallow soil at multiple locations underneath the Building slab and one location in an exterior planter area located directly south of the Building.

September 2008. Campbell-Geo Inc. collected soil and sediment samples near the inactive aboveground fuel storage tank, laboratory features on the lower floor of the building, exterior planter areas, abandoned water booster pump, and the groundskeeper/maintenance sheds at the site.

Four soil borings were advanced in the area of the inactive aboveground fuel storage tank with four soil samples collected. One sample contained lead above the Santa Barbara County Fire Department (SBCoFD) Investigation Levels and/or Department of Toxic Substances Control (DTSC) Total Threshold Limit Concentrations (TTLCs). The TTLC is defined in Title 22 66261.24(a) (2) of the Hazardous Waste Regulations (HWR). Eleven locations near laboratory features in the lower floor of the Building beneath the slab were also sampled. One of these locations was an aqueous sludge sample from a sewer settling pump in the lab floor. Of the ten samples taken from beneath the slab, two soil samples exceeded SBCoFD Investigation Levels and/or DTSC TTLCs for chromium, lead, silver, and one soil sample exceeded Investigation Levels (FPD Investigation levels for PNAs are composed of residential clean up goals used for unrestricted land use) for PNAs.

Seven soil borings were drilled in the exterior planter areas surrounding the Building and no COCs were detected in the soil samples collected from each of those borings. In addition, three soil borings were sampled near the abandoned water booster pump and the groundskeeper/maintenance sheds to the north of the Building. No COCs were detected in the laboratory analyses of these samples.

August 2009. Per an *Investigation and Remediation Work Plan* accepted by the SBCoFD (July 27, 2009), BB&J investigated soil quality at eight locations where contamination had been identified by Campbell-Geo (2008). Seven of these locations were around the periphery of the Building, and one was in the vicinity of the former aboveground storage tank.

BB&J augured a total of 25 boreholes within 15 feet of the Building footprint in order to assess whether contamination below the Building slab extended beyond the footprint of the building. These boreholes were drilled to the point of refusal, as caused by drilling into bedrock or cobbles/boulders directly overlying bedrock. All these boreholes met refusal at elevations above the elevation of the slab of the building, precluding the collection of soil samples outside of the building and below slab level.

The presence of bedrock outside the building and above slab elevation indicates that the Building was constructed in a shallow "notch" cut into bedrock. Additionally, building plans and work by Campbell-Geo (2008) suggest that the depth to bedrock beneath the Building slab is shallow, and on the order of several feet. Therefore, contamination below the basement slab is

inferred to be laterally and vertically confined by bedrock geology. Further inferences are that the contamination is effectively contained in its current location and not a threat to groundwater quality. Exposure pathways are negligible as long as the Building slab overlying the contaminated areas remains in place.

In a separate investigation, BB&J collected six soil samples from boreholes located near the southwest wing of the Building, where Campbell-Geo had reported contamination. These samples were analyzed for lead, chromium, silver, and SVOCs. Laboratory results showed that COCs concentrations in these samples did not exceed SBCoFD Investigation Levels. This finding indicates that the relatively small exceedance of lead found by Campbell-Geo (2008) is a *de minimus* condition.

As part of general housekeeping, BB&J removed the aqueous sludge from the sewer settling pump in the lab floor.

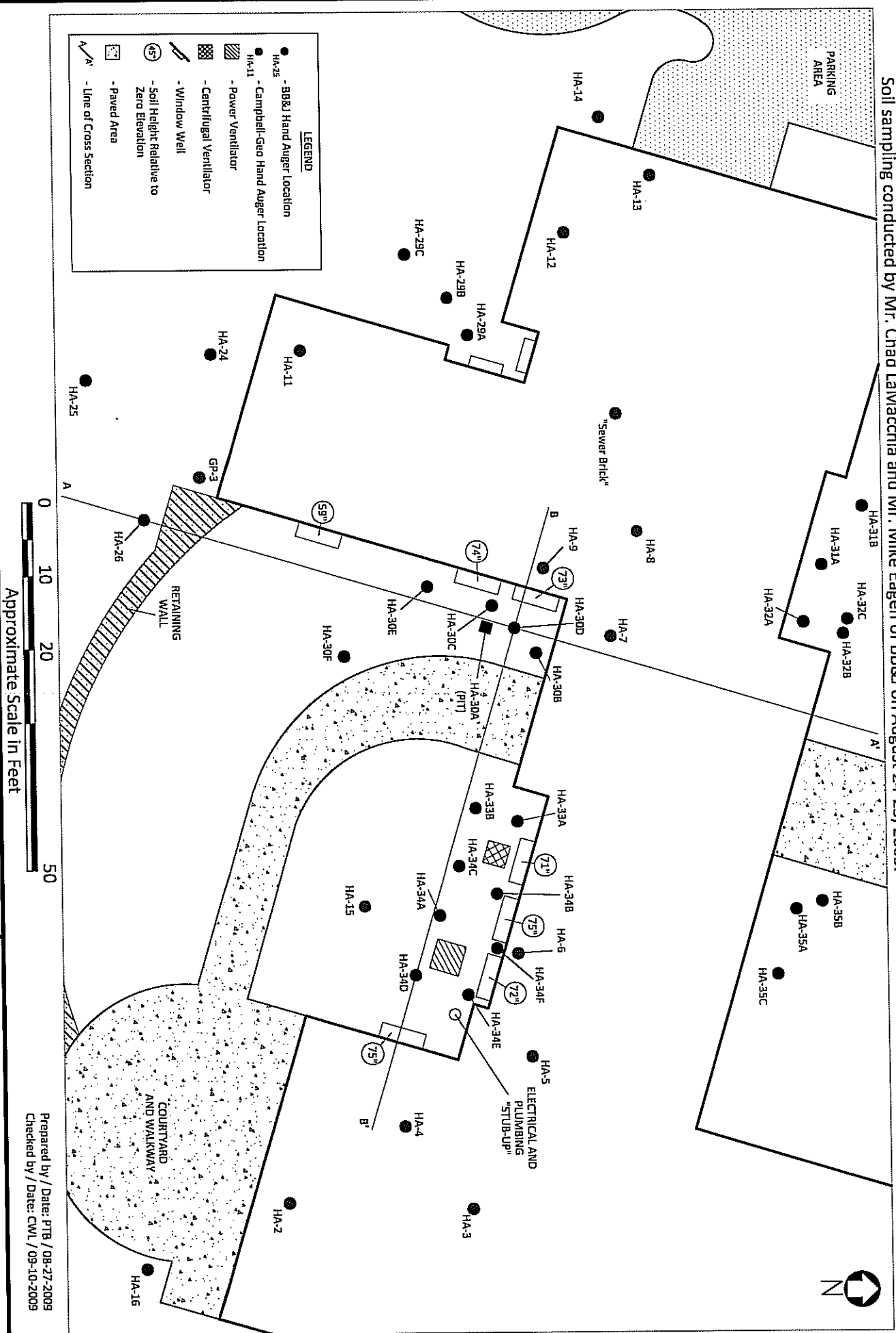
4.0 REMEDIATION

The location of contamination beneath the Building, nature of COCs, bedrock profile beneath and next to the Building, and confinement of contamination beneath the Building slab all combine to make remediation impractical. Therefore, none of the contamination beneath the Building has been removed.

5.0 MONITORING

No further environmental investigations, remediation, or monitoring is necessary or appropriate for the Property.

Soil sampling conducted by Mr. Chad LaMacchia and Mr. Mike Eagen of BB&J on August 24-25, 2009.



Prepared by / Date: PTB / 08-27-2009
Checked by / Date: CWL / 09-10-2009

Katten Muchin Rosenman LLP

Brooks Institute
801 & 2190 Alston Road
Santa Barbara, California

BRADBURN, BRILLER & JOHNSON, LLC
www.bbgroup.com

www.bbfgroup.com

Soil Sampling Location Map

Project No. 0334901

Figure 3

Sources: BingMaps; Campbell Geo September 2008 Soil Boring Location Map;
Soil sampling conducted by Mr. Chad LaMacchia and Mr. Mike Eagen of BB&J on August 24-25, 2009.

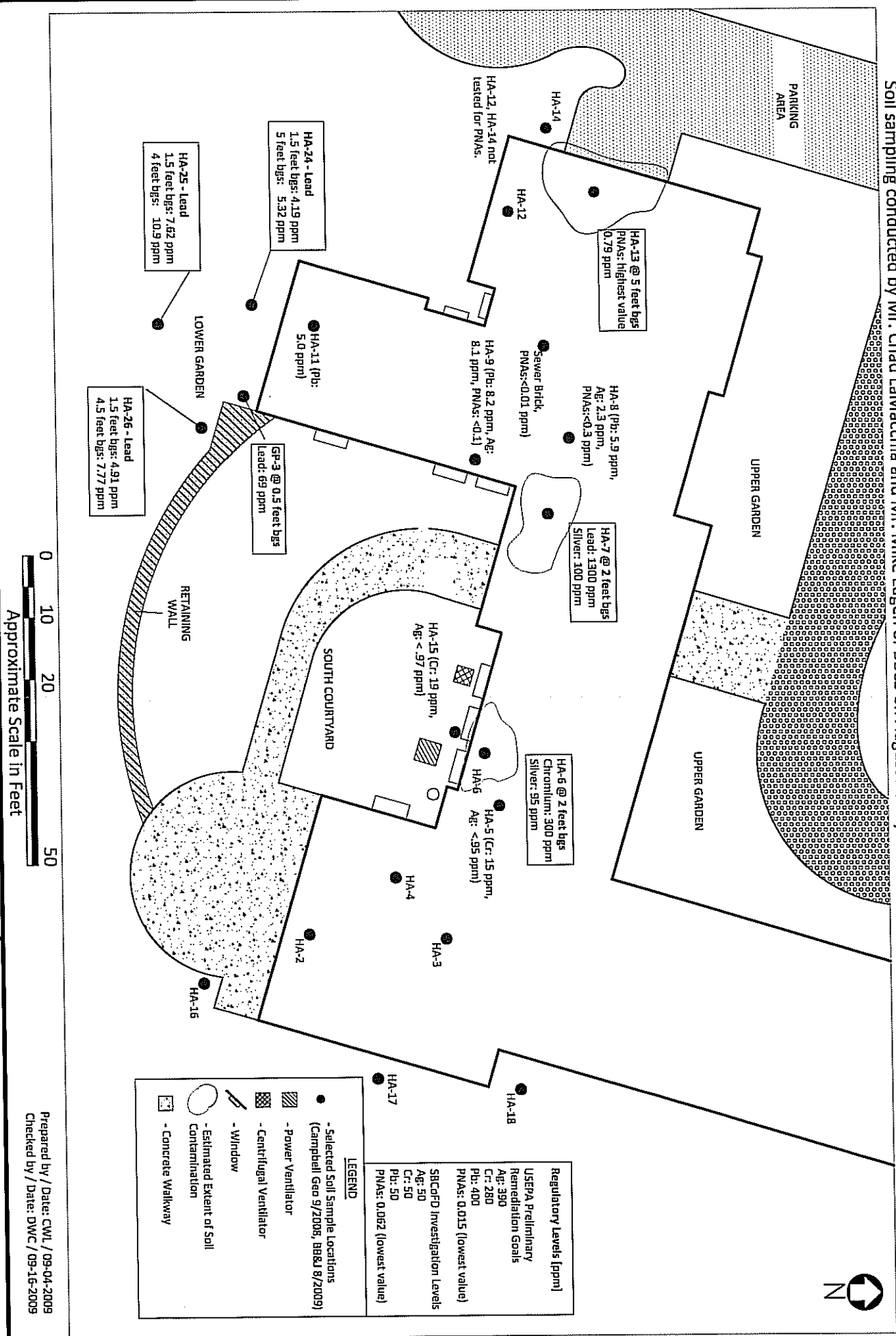


Exhibit "B"

Real property in the City of Santa Barbara, County of Santa Barbara, State of California,
described as
follows:

PARCEL ONE: (APN: 015-174-19)

THAT PORTION OF THE OUTSIDE PUEBLO LANDS OF THE CITY OF SANTA BARBARA
IN THE CITY OF

SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, SHOWN AS
PARCELS A AND B

ON THE MAP FILED IN BOOK A, PAGE 53 OF SANTA BARBARA CITY LOT SPLITS IN
THE OFFICE OF THE
SANTA BARBARA COUNTY RECORDER.